(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.(C). No. 324/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANT : Bharat Swai, S/o Khetrawasi, aged about 42 years, Occupation-plumber, resident of Adarsh Nagar, Ambedkar Chowk, Camp-1, Bhilai, District Durg (C.G.)

Claimant

VERSUS

RESPONDENTS :

1. Raja Goswami, Son of Kapur Goswami, aged about 28 years, resident of Village Machhalikhar Police Station Machhalikhar, (U.P.) at present Chikhalinala, Police Station Mohannagar, Durg another address – Avtar Singh, S/o Babusingh, 306, Gurunanak Nagtar, Durg (C.G.).
2. Avtar Singh, Son of Babu Singh, resident of 306, Gurunanak Nagar, Durg, Tahsil and District Durg (C.G.).
3. The Manager, New India Insurance Company Limited, Parakh Bhawan, Station Road, Durg (C.G.)

Present:
Shri Gautam Khetrapal, counsel for the appellant.

ORAL ORDER
(Passed on this day 19th of March, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J**.

Heard on I.A. No. 01/2007 which is an application for condonation of delay of 4 days in filing this appeal.

For the reasons mentioned in the above application, I.A. No. 01/2007 is allowed.

Heard on admission.

The appellant is aggrieved by the award dated 27.10.2006 passed by the First Additional Motor Accident Claims Tribunal, Durg in Claim Case No. 119/2004 whereby the Tribunal has awarded compensation of Rs.20,600/-. The break up is as follows:

(a)	Towards expenses incurred In treatment	Rs. 9,600/-
(b)	Towards loss of earning	Rs.4,500/-

(85)

(c)	Towards attendant's expenses	Rs.1,000/-
(d)	Toward special diet	Rs. 500/-
(e)	Towards pain and suffering	Rs. 5,000/-
	Total	Rs. 20,600/-

Shri Gautam Khetrapal learned counsel for the appellant placed reliance on **Mamta Gupta (Ku.) Vs. Hargovind Batja,** reported in **1998 (I) M.P.W.N. short Note No. 203,** in which this Court has awarded compensation of Rs.12,000/- in a case where the claimant had suffered fracture of both Tibia and Fibula bone.

Reliance was also placed on **Banwarilal Bajoriya Vs. Satish Kumar and others** reported in **2000 (1) Vidhi Bhaswar 53** in which this Court has awarded an interim compensation of Rs.25,000/- under Section 140 of Motor Vehicles Act in a case where the appellant had suffered compound fracture of tibia and fibula bone. Learned counsel for the appellant did not dispute that the applicant did not examine the treating doctor.

Having heard the learned counsel for the appellant, I have perused the impugned award. In view of the fact that no permanent disability was suffered by the claimant/appellant and the fact that the doctor treating the claimant was not examined before the M. A.C.T. , I am of the considered opinion that the compensation awarded by the learned M.A.C.T., is just and reasonable compensation and calls for no interference in this appeal.

In the result appeal being devoid of merit and is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr